

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BERNIE DARST	:	
	:	Case No. 3:15-cv-00056
Plaintiff,	:	
	:	Judge Thomas M. Rose
v.	:	Magistrate Judge Karen L. Litkovitz
	:	
ACOSTA SALES & MARKETING, INC.,	:	
et al.	:	
	:	
Defendants.	:	

**STIPULATED PROTECTIVE ORDER**

Defendant, Acosta Sales & Marketing, Inc., issued a subpoena to the Ohio Department of Job & Family Services (“ODJFS”) for the production of documents concerning the unemployment file of Plaintiff, Bernie Darst. ODJFS agrees to produce the requested information, if it exists, as Confidential per the terms of this Order. Pursuant to *Freed v. Grand Court Lifestyles, Inc.*, 100 F.Supp.2d 610 (S.D. Ohio 1998), the parties agree that the ODJFS can produce the documents as Confidential.

Accordingly, it is so ORDERED.

That the produced documents be marked “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER.”

That such information and documents be considered confidential, and shall be disclosed under seal, subject to inspection only by:

1. The parties to this litigation and their agents;
2. Counsel for the parties to this litigation, including their support staffs;
3. The Court and its support staff;
4. Court reporters and recorders engaged in this action;
5. Consultants, investigators, or experts employed by the parties or counsel for the parties to assist in the preparation and trial of this action; and

6. Other persons only by written consent of the producing party or upon order of the Court and on such conditions as may be agreed or ordered.

Counsel for the parties shall take reasonable and appropriate measures to prevent unauthorized disclosure of documents pursuant to the terms of this Order.

If a party wishes to file any of the documents pursuant to the terms of this with the Court, the party must first seek leave from the Court to file the documents under seal and must file such documents in accordance with S.D. Ohio Civ. R. 79.3. If the Court grants the motion for leave to file under seal, the documents shall be filed with the Clerk of Court under seal. If the Court denies the motion for leave to file under seal, the Court may order that the documents be filed on the public record (i.e., the Court finds the document, testimony, or information at issue is not Confidential) or that the Confidential Information be returned to the moving party and not be made publicly available (i.e., the Court finds the document, testimony, or information at issue is Confidential but that the motion for leave was improper or deficient).

If a party intends to present at trial any of the documents pursuant to the terms of this Order, then such party shall provide advance notice to the other party at least five (5) days before commencement of trial by identifying the documents or information at issue as specifically as possible (i.e., by Bates number, page range, deposition transcript lines, etc.) without divulging the actual documents or information. The Court may, thereafter, make such orders as necessary to govern the use of such documents or information at trial.

This Order shall be subject to modification by the Court on its own motion or on motion of a party or any other person with standing concerning the subject matter. Motions to modify this Order shall be served and filed under Local Rule 7.1.

This Order is entered based on the representations and agreements between ODJFS and the Defendant for the purpose of facilitating discovery.

IT IS SO ORDERED.

*Karen L. Litkovitz*  
Thomas M. Rose, U.S. District Judge  
*Karen Litkovitz* Magistrate

AGREED AND SUBMITTED BY:

/s/ Sarah E. Weber (per agreement)  
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*Attorney for Plaintiff,  
Bernie Darst*

**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(d), I hereby certify that on September 16, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record who are deemed to have consented to electronic service.

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Patria V. Hoskins